THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19537 of 2007

Between:

Chintam Balaiah.

.. PETITIONER

and

The Tahsildar, Kalasapadu Mandal and another.

.. RESPONDENTS

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ORDER:

It is the case of the petitioner that he is the owner of the lands to an extent of Ac.0-32 cents in Sy.No.246/2N and Ac.0-42 cents in Sy.No.246/2O of Tellapadu Village, Kalasapadu Mandal, Kadapa District, apart from other small bits of lands in other survey numbers. All these lands are ancestral lands. After the death of his father, he has been in continuous possession and enjoyment of the same. There are three rasthas existing in Sy.Nos.158, 245, 257 and 258. Though there are sufficient rasthas, the respondents are proposing to lay a new road in Sy.Nos.246/2N and 246/2O i.e., in the patta lands of the petitioner. Therefore, the petitioner seeks a Writ of Mandamus to direct the respondents not to lay a new road in his lands.

I am of the opinion that if the petitioner is the lawful owner and the patta holder of the lands in question, the respondents cannot lay a new road in his lands. Further, there is no material whatsoever in support of the contention of the petitioner that the respondents are going to lay a new road in the lands in question, without acquiring the same as per the provisions of the Land Acquisition Act and without following due process of law. If really, there is any such attempt by the respondents, the petitioner would have made a representation before the concerned Authority. But, however, without making any such representation, I am of the opinion that it may not be just and proper to issue any Writ of Mandamus, as claimed by the petitioner.

Accordingly, the writ petition is dismissed with a liberty to make representation before the concerned Authority. There shall be no order as to costs.

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14-09-2007

Prv